

April 16, 2018

West Des Moines City Council Proceedings
Monday, April 16, 2018

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 16, 2018 at 5:30 PM. Council members present were: J. Mickelson and K. Trevillyan. Council members R. Hardman and J. Sandager participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending an amendment to Agenda Item 4(k) Amendment #4 to the Westtown V Urban Renewal Area Amendment, as the amendment has been revised to include an additional proposed project.

On Item 1. Agenda. It was moved by Trevillyan, second by Mickelson approve the agenda as amended.

Vote 18-190: Hardman, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 2. Public Forum

Melanie Maher, 545 4th Street, expressed concerns about additional traffic on 4th Street from vehicles that are not following the posted detour route for the closure of 1st Street/63rd Street, including large trucks.

City Manager Tom Hadden responded the closure is due to the Walnut Creek Outfall project, which will help alleviate flooding in that area. He stated the Police Department will continue to monitor traffic in that area and enforce the detour route for large trucks. He suggested that if Ms. Maher continues to see large trucks using 4th Street, she should report that to the Police Department.

Council member Sandager began participating in the meeting via telephone at 5:36 p.m. The attendance was re-taken. Council members present were: J. Mickelson and K. Trevillyan, with R. Hardman and J. Sandager participating via telephone.

On Item 3. Council/Manager/Other Entities Reports:

Council member Trevillyan reported he attended the 2018 Main Street Iowa Awards Celebration, where the Leadership Award was presented to Kay Schiller. Jim Miller and the Historic Valley Junction Foundation were also recognized for achieving a \$50 million benchmark for private dollars invested.

Council member Hardman reported she attended a meeting of the Polk County Housing Trust Fund, where discussion was held on activities for the upcoming Affordable Housing Week. She

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also reported the Public Safety Subcommittee met and discussed activities for Police Officers Week in May. She also attended the Urban Forestry Awards Luncheon and gave an update on the City's "Shade Crusade" program. She also served as a judge for the West Des Moines Chamber of Commerce Citizen of the Year. She reported the Human Rights Commission met and discussed their upcoming strategic plan process. She also attended another meeting of the West Des Moines School District's community equity, diversity and multicultural conversation series. She reported she attended a ribbon cutting ceremony at Concept by Iowa Hearing Aid Centers. She commended Mayor Gaer for his delivery of the State of the City presentation at a recent West Des Moines Chamber of Commerce luncheon.

City Manager Hadden reported the Parks and Recreation Department is organizing the "Shade Crusade" program to make trees available to West Des Moines residents at a reduced cost to help increase the urban canopy in the City. He noted the date to pick up trees will be Saturday, April 28, and more information is available on the City's website.

Mayor Gaer reported he presented the State of the City at a recent West Des Moines Chamber of Commerce luncheon. He also attended the West Des Moines Human Services volunteer recognition lunch.

On Item 4. Consent Agenda.

Council members pulled Items 4(a) and 4(n) for discussion. It was moved by Mickelson, second by Trevillyan to approve the consent agenda as amended.

b. Approval of Bill Lists

c. Approval of Liquor Licenses:

1. Mangia Tutto, LLC d/b/a Billy Vee's, 304 5th Street - Add Outdoor Service Privileges to Existing Class LC Liquor License
2. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
3. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class LE Liquor License with Carryout Wine and Carryout Beer - Renewal
4. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License with Sunday Sales, Living Quarters, and Outdoor Service - New
5. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street - Class LC Liquor License with Sunday Sales - Renewal
6. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe, 1700 Valley West Drive (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
7. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
8. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers &

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- Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- 9. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
- 10. Scotty's Pub 1, LLC d/b/a Scotty's Pub & Grill, 3781 EP True Parkway - Add Outdoor Service Privileges to Existing Class LC Liquor License
- 11. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
- 12. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- 13. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
- 14. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
- 15. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Carryout Wine, Sunday Sales and Outdoor Service - Renewal
- 16. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
- d. Approval of Acknowledgment/Settlement Agreement - First Violation of Tobacco Laws
- e. Approval of Extended Sound Permit - Blu Toro, 5585 Mills Civic Parkway, Suite 110
- f. Approval of Lane Closures for Special Events
 - 1. West Des Moines Girls Softball Parade, April 21, 2018
 - 2. Miscellaneous Events - Historic Valley Junction Foundation
 - 3. Mary's Meals Run 5K and 10K, May 12, 2018
- g. Approval of Purchase and Payment - VMWare Site Recovery Manager
- h. Order Construction:
 - 1. 2018 HMA Resurfacing Program
 - 2. Booneville Road Bridge over Sugar Creek
 - 3. Intersection Improvements - Intersection of South 51st Street and Mills Civic Parkway and Intersection of the Jordan Creek Town Center south entrance and Mills Civic Parkway
- i. Accept Work - Walnut Creek Outfall Storm Sewer Project (Building Demolition)
- j. Accept Public Improvements:
 - 1. Della Vita Plat 1
 - 2. Kings Landing Plat 2
- k. Establish Public Hearing - Amendment #4 to Westtown V Urban Renewal Area
- l. Approval to Initiate Development Agreement - Fore Right, LC
- m. Approval of Extension of Entitlement - Office at the Galleria, 645 South 60th Street
- o. Approval of Proclamations:
 - 1. Earth Day, April 22, 2018
 - 2. Arbor Day, April 27, 2018

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Vote 18-191: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 4(a) Approval of Minutes of April 2, 2018 Meeting

Council member Hardman requested that her comments under Item 5(b) Property Tax Rebate Program Application be clarified to include the phrase “and she has had conversations with both applicants and City staff” so that it should read “Council member Hardman stated since the applicants have submitted their affidavits and she has had conversations with both applicants and City staff, she has reconsidered her position...”

It was moved by Hardman, second by Trevillyan to approve Item 4(a) Approval of Minutes of April 2, 2018 Meeting.

Vote 18-192: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 4(n) Approval of Memorandum of Understanding Regarding Joint Occupancy of Municipal Offices - West Des Moines Water Works

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Mickelson, second by Sandager to approve Item 4(n) Approval of Memorandum of Understanding Regarding Joint Occupancy of Municipal Offices - West Des Moines Water Works.

Vote 18-193: Hardman, Mickelson, Sandager ... 3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) Browns Woods Hollow, west of Veterans Parkway and south of Browns Woods Drive - Rezone Property from Medium Density Residential to the Browns Woods Hollow Planned Unit Development (PUD), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 18-194: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

Vote 18-195: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 18-196: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(b) Jordan Creek Town Center, 101 Jordan Creek Parkway - Amend the Planned Unit Development (PUD) to Modify Architectural Requirements and Allow an Additional Architectural Tower within the North Village District of the Jordan Creek Town Center Development, initiated by Hy-Vee, Inc.

Mayor Gaer requested confirmation that any outstanding issues related to the signage have been resolved.

Andrew Reich, Hy-Vee, Inc., 5820 Westown Parkway, confirmed it has been resolved.

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 18-197: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

Vote 18-198: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 18-199: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Chapter 10 (Performance Standards) - Regulate Membrane Structures in General and Light Industrial Districts, initiated by West Des Moines Water Works

It was moved by Mickelson, second by Sandager to consider the second reading of the ordinance.

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

Vote 18-200: Hardman, Mickelson, Sandager ... 3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Mickelson, second by Sandager to approve the second reading of the ordinance.

Vote 18-201: Hardman, Mickelson, Sandager ... 3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

It was moved by Mickelson, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 18-202: Hardman, Mickelson, Sandager ... 3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(d) Vacation of a Portion of Wendover Road and Public Roadway Easement and Termination of Public Roadway Easement and Conveyance of Property, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 18-203: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

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Vote 18-204: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 18-205: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(e) Osmium Urban Renewal Area - Approval of Amended TIF Ordinance, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the second reading of the ordinance.

Vote 18-206: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the second reading of the ordinance.

Vote 18-207: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 18-208: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(a) West Grand Business Park, generally located at the intersection of Grand Avenue and South 88th Street - Amend the Planned Unit Development (PUD) to Remove Parcel 12 from the PUD Area, initiated by the City of West Des Moines (Continued from April 2, 2018).

It was moved by Trevillyan, second by Mickelson to adopt Motion - Continue Public Hearing to April 30, 2018.

Vote 18-209: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 6(b) WDM Public Services, southwest corner of Grand Avenue and South 88th Street - Approval of a Planned Unit Development (PUD) to Allow Construction of a Public Services Facility with Associated Amenities, initiated by the City of West Des Moines (Continued from April 2, 2018).

It was moved by Trevillyan, second by Mickelson to adopt Motion - Continue Public Hearing to April 30, 2018.

Vote 18-210: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Nazarene Church Campground, 2001, 2251, and 2296 Fuller Road - Repeal Nazarene Church Campground Planned Unit Development (PUD), initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 2, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval to repeal the PUD.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to consider the first reading of the ordinance.

Council member Trevillyan inquired about the status of the proposed residential development by Koester Development that was previously discussed at a Council Workshop on August 21, 2017.

Lynne Twedt, Development Services Director, reported Koester Development has informed staff that they have primarily been focusing on other projects but are still interested in pursuing the proposed residential development on this property, however no development application has been submitted. She noted this repeal of the PUD is a clean-up item.

Vote 18-211: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the first reading of the ordinance.

Vote 18-212: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) and Chapter 11 (Professional Commerce Park District) - Modify Bulk Regulations and Amend Lot Size and Lot Frontage Requirements for the Professional Commerce Park District, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 2, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to consider the first reading of the ordinance.

Vote 18-213: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the first reading of the ordinance.

Vote 18-214: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(e) Agreement for Private Development, initiated by JARCOR, LLC

It was moved by Trevillyan, second by Mickelson to adopt Motion - Continue Public Hearing to April 30, 2018.

Vote 18-215: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Veterans Parkway, SE Maffitt Lake Road to SE Adams Street, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McAninch Corporation.

Vote 18-216: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 PCC Reconstruction Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group.

Vote 18-217: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 2017 ADA Sidewalk Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Westward Properties.

Vote 18-218: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Holiday Park Parking Lot Repairs, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6,

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2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Connection, LLC.

Vote 18-219: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(a) Dawson Ridge, 9450 Booneville Road - Subdivide Property into 13 Single Family Lots and Two Street Lots, initiated by 117 Land Company, LLC

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 18-220: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(b) South American Beef, 1860 88th Street - Approval of a Site Plan to Construct a 5,582 sq. ft. Office Building, initiated by South American Beef

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 18-221: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(c) West Des Moines Association of Professional Fire Fighters Local #3586 and City of West Des Moines - Contract July 1, 2018 thru June 30, 2022, initiated by the City of West Des Moines and Local 3586

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Contract.

Vote 18-222: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 7(d) Teamsters Local #238 (Westcom) - Contract July 1, 2018 thru June 30, 2022, initiated by the City of West Des Moines and Teamsters Local #238

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Contract.

Vote 18-223: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 5 (Rules of the Road) - Use of Electronic Communication Device While Driving (Adopt State Code by Reference), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the first reading of the ordinance.

Council member Trevillyan inquired how this law might impact the City's public safety departments, which use laptops in their vehicles, as well as other agencies and private companies that might do the same.

City Attorney Dick Scieszinski responded since public safety personnel need it to perform their duties, they should be exempt from this law. He stated he does not believe other agencies or private companies would be exempt.

Mayor Gaer requested that staff verify what exemptions are listed in the law and provide that information to the Mayor and Council.

Council member Mickelson inquired why the City adopts some State laws into the City Code, but not others.

City Attorney Scieszinski responded the City has the authority to issue citations up to a simple misdemeanor, so anything above that would not be adopted into the City Code. He stated when these laws are adopted by reference, it allows the City to reference the City Code on the citation, so the City can receive the revenue from fines, as opposed to it going to the State. He noted most traffic laws are adopted into the City Code like this.

Vote 18-224: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the first reading of the ordinance.

Vote 18-225: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Four-Way Stop Intersections) - 4th Street and Vine Street, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Mickelson to consider the first reading of the ordinance.

Vote 18-226: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Mickelson to approve the first reading of the ordinance.

Vote 18-227: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings of the ordinance.

Vote 18-228: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Mickelson to adopt the ordinance in final form.

Vote 18-229: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, provided a brief legislative update.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

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ATTEST:

Steven K. Gaer, Mayor